IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 7236 of 2007(J)

PETITIONER:

NISHAD, S/O SULAIMAN,
PEDIAPARAMBIL HOUSE, KUSUMAGIRI P.O.,
KAKKANAD, KOCHI-30.

BY ADV. SRI.M.K.ABOOBACKER,
SMT.RAKHI K.KUMAR.

RESPONDENTS:
----

1. **DISTRICT MAGISTRATE &**
   DISTRICT COLLECTOR, ERNAKULAM.

2. **T.I.RAJU, THURUTHUMMAL HOUSE,**
   KUSUMAGIRI P.O., KAKKANAD, KOCHI.

3. **ASSISTANT EXECUTIVE ENGINEER,**
   KERALA STATE ELECTRICITY BOARD,
   ELECTRICAL SECTION, TRIKKAKARA.

BY GOVT. PLEADER SMT. N. SUDHADEVI,
ADV. SRI. JOSE J. MATHEICKEL, SC, KSEB.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.7236/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE TAX RECEIPT ISSUED BY THE VILLAGE OFFICER,

EXT.P.2: COPY OF THE RECEIPT ISSUED BY THE KSEB.

EXT.P.3: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT MAGISTRATE, ERNAKULAM DTD. 09/11/2006.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.7236 of 2007-J

Dated this the 22nd day of March, 2007

JUDGMENT

The petitioner has constructed a new house in R.Sy.411/3 in Kakkanad Village. He requires power connection for his residential building. The line can be drawn only through a pathway. According to the petitioner, it is a public pathway. But, the second respondent submits, it is a private property. So, the said respondent is raising objection against drawing of the line. So, the petitioner has filed Ext.P3 representation before the District Collector praying for removal of obstruction caused by the second respondent for drawing the line.

2. The learned Standing Counsel for the K.S.E.B. submits, the pathway according to it is a public pathway. It is also admitted that the petitioner's application for power connection is received and he has completed all the formalities for giving power supply. Only because of the objection of the second respondent, the line could not be drawn.

3. The third respondent is directed to move the first respondent for removing the obstruction caused by the second respondent. Even assuming that the pathway belongs to the second respondent, even then the said route is most feasible and the Additional District Magistrate can grant permission for drawing the line. The third respondent shall move the first respondent for appropriate orders within two weeks from the date of production of a copy of

this judgment. If such a motion is made, the first respondent will pass final orders in the matter, in accordance with law, without delay.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS